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MEMO ENDORSED

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VIA ECF

Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Jonathan Garcia*
19 Cr. 862 (VEC)

Dear Judge Caproni,

I was appointed as substitute CJA counsel to represent Jonathan Garcia for purposes of sentencing following his trial and conviction on a four counts: a racketeering conspiracy, racketeering (with racketeering acts including, among other things, murders, robberies, fraud and narcotics trafficking), conspiracy to distribute heroin, fentanyl, cocaine, cocaine base and oxycontin, and the use, brandishing and discharge of firearms in relation to the narcotics conspiracy.

Following his conviction on these various serious charges, it is my understanding that at sentencing issues arose and that Mr. Garcia's position regarding some sentencing matters contributed to this Court substituting me in as defense counsel. I was notified of my appointment on my CJA duty day, March 1, 2024, and this Court set a deadline of March 21, 2024 for any supplemental sentencing materials.

While I have endeavored to scour the trial record to be sure that any objections to certain representations in the Presentence Investigation Report (PSR) be addressed to the Court, it has not been possible to conclude with certainty that no such objections should be lodged, given my very recent appointment and my other obligations over the past three week period. That said, it does not seem the case based on the review that I have been able to perform on issues such as drug weight attributable to Mr. Garcia that there is a basis to challenge any of the sentencing enhancements.

On the other hand, there is certain information in the PSR, including Mr. Garcia's criminal history (incidents described as both convictions and pending charges), that I have not been able to verify and that bears on the calculation of his Sentencing Guidelines range. While the statutory mandatory sentence for the substantive racketeering charge is a life term, should that count ultimately not stand, the calculation of Mr. Garcia's Sentencing Guidelines would be relevant should there ultimately be any resentencing in this matter.

While I do not want to unduly tax the resources of the Court or the government, and with my apologies for not submitting this letter yesterday, I respectfully request that the Court grant me an additional 3 business days to submit any challenges to the PSR, with objections to be filed on or before Tuesday March 26, 2024. I note that prior defense counsel and the government submitted no such objections and that I had been occupied previously with seeking to review the record in the case to identify any potentially meritorious post-trial arguments that had not yet been advanced and have identified primarily only these issues concerning Mr. Garcia's criminal history calculation.

I have reached out to the government to seek its position on this request but have not yet received a response.

Respectfully,

/s/ Megan W. Bennett
Attorney for Jonathan Garcia

cc: All counsel of record via ECF

Application GRANTED. The Defendant's deadline to submit PSR objections is extended *nunc pro tunc* to **March 26, 2024**.

SO ORDERED.



03/25/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE